

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits, Variance, and Site Plan Review
BZZ – 5201

Date: July 18, 2011

Applicant: 430 Oak Holdings

Address of Property: 430 Oak Grove Street

Project Name: 430 Oak Grove

Contact Person and Phone: Art Bartels, (612) 373-4640

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: June 23, 2011

End of 60-Day Decision Period: August 22, 2011

Ward: 7 **Neighborhood Organization:** Loring Park

Existing Zoning: OR3 Institutional Office Residence District, SH Shoreland Overlay District, and DP Downtown Parking Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 18

Legal Description: Not applicable for this application

Proposed Use: Multiple-family dwelling with 78 units.

Concurrent Review:

Conditional use permit to allow 78 dwelling units.

Conditional use permit to allow a 20 space accessory parking lot in the DP overlay district.

Variance to reduce the interior side yard requirement from 15 feet to 0 feet to allow the parking structure addition.

Site plan review.

Applicable zoning code and subdivision provisions: Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, Section 525.520 (1) “To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations.”; and Chapter 530, Site Plan Review.

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Background: The applicant proposes to convert an existing 4-floor office building into a multifamily residence with 78 dwelling units. Only a small parking/loading area exists on the site. Therefore the applicant is proposing to demolish a one-story addition to the building to allow for the construction of a parking structure. The below-grade level of the existing building would also be converted to parking with access from the new parking structure. The parking structure would have access from both Oak Grove Street (to the top level only) and 15th Street West (to the enclosed levels). Because the top level is close to the elevation grade of the Oak Grove Street, it is considered a parking lot.

At this time, the applicant is not planning to LEED Certify the building. However, they have provided information on some of their efforts to create a sustainable and “green” project. They have identified the following sustainable items:

- Reuse of an existing building structure.
- Installation of insulated glazing units while preserving the existing openings and window units.
- Removal and disposal of 3 fire tube boilers and radiant system, in conjunction with the installation of a new high efficiency boiler and related equipment in each living unit.
- Provide new lighting systems in compliance with MN State Energy Codes (Ashrae 90.1 2004). All fixtures will be of either compact fluorescent or LED type. In public spaces, lighting will be controlled by occupancy sensors and dimming controls.
- On site bike storage [that would exceed the minimum zoning code requirement].
- Reduction in impervious surfaces.
- Increase in “Landscaped” and pervious surfaces. - The landscaped areas will have drip irrigation to minimize water usage. The existing Zen Rock will be reused within the landscaped setting. Where possible, stormwater will be directed to landscaped areas for infiltration. The shade trees are located to provide protective shade to cool parking lot surface and extend the life of certain building materials.
- The new surface parking will be a light colored concrete minimizing the heat island affect.
- Stormwater retention will be added on site to reduce the run-off of water to the existing storm system.
- Materials installed will be of low VOC type to eliminate/minimize any negative effects from off-gassing.

In the OR3 district, a multiple family dwelling with 5 or more units is a conditional use. In the DP overlay district, an accessory parking lot is a conditional use permit. Upon approval of a conditional use permit, the action must be recorded with Hennepin County as required by state law.

An interior side yard is required along the east lot line. The minimum interior side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. Although the parking structure addition would only be one story in height, the side yard requirement is based on the total building height. The existing building is 6 stories by definition of the zoning code; therefore the interior side yard requirement is 15 feet. The addition, including an extension of the north wall that would abut the east lot line and act as a retaining wall, would be set back 0 feet from the side lot line. A variance is required to reduce the yard requirement.

Site plan review is required for any new use with 5 or more dwelling units.

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The 430 Oak Grove building is eligible for local designation, but it has not yet been nominated for consideration. The applicant is intending to utilize state and federal preservation tax credits. Those applications go through the State Historic Preservation office (SHPO), but do not require HPC review. In order to qualify for the credits, the developer will have to comply with the Secretary of Interior's Standards for the Treatment of Historic Properties for the rehabilitation of the building. If the tax credits are not pursued, staff will work with the applicant to ensure that the work on the building will still meet the Secretary's Standards.

The applicant met with the neighborhood group on June 27th. Minutes from that meeting were received and are attached to this report. Staff will forward comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT: to allow 78 dwelling units.

Findings as required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The establishment of a multifamily residential building with 78 dwelling units on the site would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

There is a mix of uses in the surrounding area, including residential, institutional, and other nonresidential, neighborhood serving uses. The rehabilitation and conversion of this building to a residential use should have a positive effect on surrounding properties.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The site would be served by existing infrastructure. Vehicle access would be from Oak Grove Street and 15th Street West. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The minimum parking requirement for the proposed development is 70 spaces. The applicant is proposing 88 vehicle parking spaces. A secure bicycle parking area with 78 spaces would be provided for the residents. An off-street loading area would be provided. The site is located one block from three bus routes. The development should have little effect on congestion in the streets.

5. Is consistent with the applicable policies of the comprehensive plan.

In *The Minneapolis Plan for Sustainable Growth*, the future land use of the subject property is designated as urban neighborhood. It is also within the Downtown growth center. Specific to the Downtown growth center, the plan states:

As the physical and economic center of the city, Downtown is a logical place for a concentration of employment, housing, and other complementary uses....The land use pattern strengthens the concentrated office core with surrounding entertainment, cultural, and residential development. High intensity uses are encouraged to make the best use of the premium location and to strengthen the city's core.

According to the principles and policies outlined in the plan, the following apply to this proposal:

Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.

1.8.1 Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.

Policy 1.15: Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services.

1.15.1 Support development of Growth Centers through planning efforts to guide decisions and prioritize investments in these areas.

1.15.3 Encourage the development of high- to very high-density housing within Growth Centers.

Policy 3.1: Grow by increasing the supply of housing.

3.1.1 Support the development of new medium- and high-density housing in appropriate locations throughout the city.

Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.

3.2.1 Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

Policy 10.6: New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.

10.6.1 Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.

Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces,

buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

- 10.19.1 In general, larger, well-placed, contiguous planting areas that create and define public and private spaces shall be preferred to smaller, disconnected areas.
- 10.19.2 Plant and tree types should complement the surrounding area and should include a variety of species throughout the site that include seasonal interest. Species should be indigenous or proven adaptable to the local climate and should not be invasive on native species.
- 10.19.7 Boulevard landscaping and improvements, in accordance with applicable city policies, are encouraged.

Staff comments: The use is consistent with these policies of the comprehensive plan. A high-density residential use is appropriately located in the Downtown growth center. The placement of the parking structure addition would be located to the interior of the site and the 15th Street elevation would be designed to compliment the existing structure while also using materials appropriate for a loading dock service area. It would also be set back from the adjacent property where a new landscape buffer would be provided. Currently, the one-story addition directly abuts the shared lot line. A 18+ foot deep landscaped yard would be provided between the parking area and Oak Grove Street. These landscape improvements would add over 2,500 square feet of green space. Currently a little over 400 square feet of on-site landscaped areas exists.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

The proposed use will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permits, variance, and site plan review.

CONDITIONAL USE PERMIT: to allow a 20 space accessory parking lot in the DP overlay district.

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The establishment of a 20 space parking lot would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

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There is a mix of uses in the surrounding area, including residential, institutional, and other nonresidential, neighborhood serving uses. Although there are also surface parking areas in the area, reducing and/or limiting the size of surface parking increases the land area available for higher intensity development that is appropriate in the downtown area. The proposed parking lot would be limited to 20 spaces. It is also on the top level of a parking structure, which increases the efficient use of the site. The parking lot would be separated from the adjacent use by a significant grade change and a landscaped yard. An 18+ foot deep landscaped yard would be provided between the parking area and Oak Grove Street as well. With these improvements and limiting the size of the parking lot to 20 spaces, the use should have little effect on surrounding properties.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The site would be served by existing infrastructure. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way. Vehicle access to the parking lot would be from Oak Grove Street. The applicant has worked with Public Works on the Oak Grove Street access design to prevent conflicts with the pedestrian crosswalk at the intersection of Oak Grove and Clifton Avenue. Please note: A crosswalk with curb ramps doesn't exist, but Public Works is requiring that they are installed.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The parking lot would be limited to 20 spaces and would have access to Oak Grove Street. The parking lot should have little effect on congestion in the streets.

5. Is consistent with the applicable policies of the comprehensive plan.

In *The Minneapolis Plan for Sustainable Growth*, the following principles and policies apply to the parking lot:

Policy 10.18: Reduce the visual impact of automobile parking facilities.

10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.

10.18.3 Locate parking lots to the rear or interior of the site.

Policy 10.22: Use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land.

10.22.3 Design the site, landscaping, and buildings to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.

Staff comment: The use is consistent with these policies of the comprehensive plan. The parking lot would be located at the interior of the site. Landscaped yards would be provided between the

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parking lot and the adjacent property and public street. The landscaping and screening would also allow views at eye level to and from the Oak Grove Street sidewalk.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

The proposed use will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permits, variance, and site plan review.

VARIANCE: To reduce the interior side yard requirement from 15 feet to 0 feet to allow the parking structure addition.

Findings as required by the Minneapolis Zoning Code:

1. The property owner proposes to use the property in a reasonable manner.

An interior side yard is required along the east lot line. The minimum interior side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. Although the parking structure addition would only be one story in height, the side yard requirement is based on the total building height. The existing building is 6 stories by definition of the zoning code; therefore the interior side yard requirement is 15 feet. The addition, including an extension of the north wall that would abut the east lot line and act as a retaining wall, would be set back 0 feet from the side lot line. The rest of the parking structure would be set back 6 feet or greater allowing for the establishment of a landscaped side yard. The one story addition that will be demolished is built up to the lot line. Without the addition, the site would only have a small parking and loading area for an 88,000+ square foot building. The proposed structure would provide required parking for 78 dwelling units. Complying with the yard requirement would eliminate 17 of the 88 proposed spaces.

2. Practical difficulties exist due to circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

The site is odd shaped and an existing structure occupies most of the site. Without the addition, the site would only have a small parking and loading area for an 88,000+ square foot building. The proposed structured parking addition would replace a one-story part of the building to provide required parking for the proposed use. The circumstances affecting the property exist and were not created by the applicant.

3. If granted, the variance will be in keeping with the spirit and intent of the ordinance and the comprehensive plan and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. Comprehensive plan policies also support the intent of the ordinance. The addition would be adjacent to a nonresidential use. The

existing one-story part of the building is built up to the shared lot line. The addition would only extend up to the lot line where the wall facing 15th Street will act as a retaining wall for a newly established 7- to 12-foot wide landscaped yard. The addition would have minimal visibility as the top level will look like a surface parking area from Oak Grove Street. The proposed exterior material of the 15th Street elevation is limestone, which is compatible with the existing structure. As proposed, the yard variance meets the intent of the ordinance and comprehensive plan and should have little effect on surrounding properties.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Granting the variance should not negatively affect public safety. The design of all obstructions has taken into consideration CPTED principles. Adequate vehicle and bicycle parking would be provided on-site. Granting the variances should have little effect on congestion in the streets and public safety.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the site plan review:

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of the Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.

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- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances, windows, and active functions:
 - Residential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
 - g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- Ground floor active functions:

Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- The form and pitch of roof lines shall be similar to surrounding buildings.
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

Conformance with above requirements:

A 15 foot front yard is required adjacent to 15th Street West and Oak Grove Street. The parking structure addition would be setback more than 15 feet from each front lot line.

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Between the addition and the adjacent streets, landscaping would be installed where practical.

The main entrance of the existing building faces the intersection of Oak Grove Street and 15th Street. It would continue to be the main entrance. The addition would not include a principal entrance.

The accessory parking would be located at the interior of the site and within the building.

There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length.

The primary exterior materials of the addition would include stone and metal. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.

All sides of the building would be compatible.

Plain face concrete block would not be used as a primary exterior building material.

The principal entrance is defined by columns and other architectural features. No changes are proposed to the main entrance. A main entrance is not proposed on the addition.

The wall of the addition facing 15th Street is subject to the minimum twenty percent window requirement. No windows are proposed on the addition because the walls are occupied by garage doors. Because the addition is for parking, adding windows would not increase natural surveillance and visibility. Staff is recommending that the planning commission grant alternative compliance from 20 percent to 0 percent.

Parking would occupy 100 percent of the 15th Street building addition frontage. With the existing and proposed building put together, 74 percent of the 15th Street frontage would be active functions.

A flat roof is proposed and exists on the building. There is a mix of flat and pitched roofs in the area.

ACCESS AND CIRCULATION:

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.
- Site plans shall minimize the use of impervious surfaces.

Conformance with above requirements:

The building entrance connects to the public sidewalk with a walkway that exceeds four feet in width.

No transit shelters are proposed.

All circulation would occur on-site. Vehicle access would be from Oak Grove Street and 15th Street. The applicant has worked with Public Works on the Oak Grove Street access design to prevent conflicts with the pedestrian crosswalk at the intersection of Oak Grove and Clifton Avenue. The proposed access should have little effect on the surrounding residential properties and minimal impact on pedestrians.

Most of the parking would be enclosed. The parking lot coverage would be limited to the top level of the parking structure addition. Landscaping would be provided as well to reduce the amount of impervious surface. On the 15th Street side adjacent to the northeast corner of the site, the plans do not clearly indicate if landscaping or paving is proposed. It appears the area adjacent to the wall (approximately 4 feet in width) and the corner where snow storage is proposed is not needed for circulation or parking. Staff is recommending that this area is landscaped.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
 - Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year.
- Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.
- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

Conformance with above requirements:

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The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 38,247 square feet. The building footprint would be approximately 30,229 square feet including the loading dock canopy. The lot area minus the building footprint therefore consists of approximately 8,018 square feet. At least 20 percent of the net site area (1,603.6 square feet) must be landscaped. Approximately 2,512 square feet of the site would be landscaped. That is equal to 31.3 percent of the net lot area.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 4 and 16 respectively. The applicant would provide 6 canopy trees and 16 shrubs on-site and 3 trees in the street boulevards. The remainder of the landscaped area would be covered with plants including perennials, sod, vines and annuals.

A 15 foot landscaped yard and screening that is 3 feet in height and 60 percent opaque is required between Oak Grove Street and the parking area. A 18+ foot landscaped yard with the required screening is proposed. In the landscaped yard, at least 2 trees and 6 shrubs are required. Two trees and no shrubs would be provided. A decorative fence and perennials provide the required screening. The required shrubs are located adjacent to the east lot line. For these reasons, staff is recommending that the planning commission grant alternative compliance for the shrub requirement in this yard.

The property to the east of the site is located in an office residence district. A landscaped yard at least 7 feet wide and screening that is 95 percent opaque and 6 feet in height is required between the parking area and the side lot line. A 7- to 12-foot wide landscaped yard would be provided. In the landscaped yard, at least 2 trees and 8 shrubs are required. Four trees and 16 shrubs would be provided. A retaining wall on the adjacent property provides the required screening.

On the 15th Street side adjacent to the northeast corner of the site, the plans do not clearly indicate if landscaping or paving is proposed. It appears the area adjacent to the wall (approximately 4 feet in width) and the corner where snow storage is proposed is not needed for circulation or parking. Staff is recommending that this area is landscaped.

All surface parking spaces would be within 50 feet of an on-site tree.

Installation and maintenance of all landscape materials must comply with the standards outlined in section 530.210.

ADDITIONAL STANDARDS:

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
 - Natural surveillance and visibility

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- **Lighting levels**
- **Territorial reinforcement and space delineation**
- **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

Conformance with above requirements:

The driveway would be defined by 6 inch by 6 inch concrete curbing. Runoff from the parking areas would be directed to an underground stormwater treatment system. The applicant is encouraged to explore on-site filtration where practical.

The building should not impede any views of important elements of the city.

The building should not significantly shadow the adjacent streets or properties.

Wind currents should not be major concern.

The site includes crime prevention design elements. Lighting would be provided in the parking areas. Landscaping and fencing would distinguish between public and private spaces.

The existing building would be rehabilitated as part of the development. The research on the historic importance of the existing building is currently underway. The applicant has indicated that at this time no significance has been found for the one-story structure which is proposed to be demolished.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE: The site is zoned OR3 with the SH and DP overlay districts. A multifamily dwelling with 5 or more units in the OR3 district is a conditional use.

In the SH overlay district, development on steep slopes or within 40 feet of the top of a steep slope or bluff, or within 50 feet of the ordinary high water mark of any protected water is not allowed without a variance. Development on slopes between 12 and 18 percent are also subject to conditions. The proposed development would not be on a slope between 12 and 18 percent, a steep slope or within 40 feet of the top of a steep slope or bluff, or within 50 feet of the ordinary high water mark of any protected water.

In the DP overlay district, an accessory parking lot is a conditional use permit. The parking lot must be located on the same zoning lot as the principal use served and the number of spaces shall not exceed 20. The top level of the proposed parking structure is considered a parking lot because the grade level of its surface is within 4 feet of the sidewalk grade level. Twenty spaces are proposed on the top level.

Parking and Loading:

Minimum automobile parking requirement: In the OR3 district, the minimum parking requirement is 0.9 parking spaces per dwelling unit, or 70 spaces. The applicant would provide 83 spaces (not

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including the 5 tandem spaces because they do not abut a drive aisle). Not more than 25 percent of the proposed spaces used to meet the minimum parking requirement can be compact. In other words, at least 52 standard spaces must be provided. At least 52 standard spaces would be provided. Of the spaces provided, at least two must be accessible. Two accessible spaces would be provided. In the DP overlay district, designated visitor parking is required for multi-family dwellings of 50 or more units at not less than one space per 50 units in addition to the parking required by Table 541-1. Two visitor spaces are required and at least two will need to be designated.

Maximum automobile parking requirement: There is not a maximum parking requirement for dwellings except for parking that is not enclosed. Not more than two unenclosed spaces are allowed per dwelling unit. Twenty spaces would not be enclosed.

Bicycle parking requirement: The minimum bicycle parking requirement is equal to one space per two dwelling units. Not less than 90 percent of the required bicycle parking must meet the standards for long term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, required long-term bicycle parking spaces must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. The total minimum requirement is 39 spaces, of which at least 35 must meet the long-term parking requirements. The applicant would provide 78 long-term spaces.

Loading: A loading space is not required for multiple family dwellings with less than 100 units.

Maximum Floor Area: The proposed lot area is 38,247 square feet. The maximum FAR allowed in the OR3 District is 3.5. The existing building has 81,870 square feet. Approximately 6,460 square feet will be added with the second floor mezzanine level. Floor area devoted to parking is not included in gross floor area. Therefore, the proposed FAR is 2.3.

Minimum Lot Area: The proposed lot area is 38,247 square feet. The minimum lot area requirement in the OR3 district is 300 square feet per dwelling unit, or 23,400 square feet for 78 units.

Dwelling Units per Acre: The applicant proposes a density of 88.8 dwelling units per acre.

Lot Coverage: The maximum lot coverage allowed in the OR3 district is 70 percent. The existing lot coverage is 30,631 square feet, which covers 80.1 percent of the site. The proposed lot coverage is approximately 30,079 square feet, which covers 78.6 percent of the site. The proposal would bring the site closer to compliance.

Impervious Surface Coverage: The maximum impervious surface coverage allowed in the OR3 district is 85 percent. The existing impervious surface coverage is 37,829 square feet, which covers 98.9 percent of the site. The proposed amount of impervious surface is approximately 35,735 square feet, which covers 93.4 percent of the site. The proposal would bring the site closer to compliance.

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Building Height: In the OR3 district, the maximum height is limited to 6 stories or 84 feet, whichever is less. In the SH overlay district, the maximum height is limited to 2.5 stories or 35 feet, whichever is less. The building addition would be one story and 16 feet tall.

Yard Requirements: The subject site is a through lot; therefore the yards along Oak Grove Street and 15th Street West are both front yards. The minimum front yard requirement is 15 feet unless the setback of the closest principal building originally designed for residential purposes located on the same block face located on either side of the property is greater. The nearest principal building designed for residential purposes is setback less than 15 feet from both Oak Grove Street and 15th Street West; therefore the minimum front yard requirement adjacent to both streets is 15 feet. The parking structure addition would be set back more than 15 feet from the front lot lines adjacent to each street.

An interior side yard is required along the east lot line. The minimum interior side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. Although the parking structure addition would only be one story in height, the side yard requirement is based on the total building height. The existing building is 6 stories by definition of the zoning code; therefore the interior side yard requirement is 15 feet. The addition, including an extension of the north wall that would abut the east lot line and act as a retaining wall, would be set back 0 feet from the side lot line. A variance is required to reduce the yard requirement.

Specific Development Standards: Not applicable.

Refuse screening: Refuse storage containers would be stored in the building.

Screening of mechanical equipment: All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

535.70. Screening of mechanical equipment. (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.

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- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Lighting: Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

Signs: The two proposed 9 square foot externally lit wall signs would comply with the OR3 sign regulations. Any new signage will require Zoning Office review, approval, and permits.

Home occupation: On level 2, a business center would be provided in the common area for the residents. If the business area becomes part of a home occupation (also referred to as live/work), a conditional use permit will be required to allow the home occupation outside of the dwelling(s) in a designated area of the building. In addition to this provision, home occupations are subject to the standards of section 535.450 of the zoning code.

MINNEAPOLIS PLAN: Please see the conditional use permit sections of this staff report.

ALTERNATIVE COMPLIANCE:

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open

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space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.

- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

Alternative compliance is requested by the applicant to meet the following standards:

- Twenty percent first floor window requirement

The wall of the addition facing 15th Street is subject to the minimum twenty percent window requirement. No windows are proposed on the addition because the walls are occupied by garage doors. Because the addition is for parking, adding windows would not increase natural surveillance and visibility. Staff is recommending that the planning commission grant alternative compliance from 20 percent to 0 percent.

- Shrubs in a required landscaped yard

A 15 foot landscaped yard and screening that is 3 feet in height and 60 percent opaque is required between Oak Grove Street and the parking area. A 18+ foot landscaped yard with the required screening is proposed. In the landscaped yard, at least 2 trees and 6 shrubs are required. Two trees and no shrubs would be provided. A decorative fence and perennials provide the required screening. The required shrubs are located adjacent to the east lot line. For these reasons, staff is recommending that the planning commission grant alternative compliance for the shrub requirement in this yard.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow 78 dwelling units for the property located at 430 Oak Grove Street, subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow 20 space accessory parking lot in the DP Downtown Parking Overlay District for the property located at 430 Oak Grove Street, subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the interior side yard requirement from 15 feet to 0 feet to allow a parking structure addition for the property located at 430 Oak Grove Street.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review for the property located at 430 Oak Grove Street, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final building elevations, floor, site and landscape plans.

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2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by July 18, 2012, or the permit may be revoked for non-compliance.
3. Landscaping shall be provided in the northeast corner of the site where parking and circulation are unavailable as required by section 530.170 of the zoning code.
4. The applicant is encouraged to explore opportunities to provide on-site retention and filtration of stormwater from parking areas and driveways where practical as called for in section 530.230 of the zoning code.
5. At least two parking spaces shall be designated for visitor parking as required by section 551.765 of the zoning code.

Attachments:

1. PDR comments
2. Applicants statement of use and findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos